

REMARKS

In the present Amendment, claims 15-18 have been added. Claims 15-18 are supported by the specification, for example, at page 7, lines 5-8.

Claims 1, 2, 7 and 8 were previously canceled.

No new matter has been added and entry of the Amendment is respectfully requested. Upon entry of the Amendment, claims 3-6 and 9-18 will be all the claims pending in the application.

Claims 4, 10 and 13 are allowed.

I. Response to Rejections Under 35 U.S.C. §§ 102 and 103

In Paragraph No. 3 of the Office Action, claims 5 and 6 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Cook (U.S. Pat. No. 3,429,717). Further, in Paragraph No. 4 of the Office Action, claims 5 and 6 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Farrell et al (U.S. Pat. No. 4,536,409). In addition, in Paragraph No. 5 of the Office Action, claims 3, 9, 11, 12 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cook in view of Biebuyck et al (U.S. Pat. No. 5,734,225). Moreover, in Paragraph No. 5 of the Office Action, claims 3, 9, 11, 12 and 14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Farrell et al in view of Biebuyck et al.

The Examiner's position is that the present claims are not limited to a particular pore size for a porous membrane and thus the polymers of α -olefins described in Cook and the polyolefin

protective layer described in Farrell et al constitute porous sheets. See the final Office Action dated November 22, 2005 and the Advisory Action dated March 30, 2006.

Applicants respectfully traverse the rejections for the following reasons.

It is well settled that claim language must be given its broadest reasonable interpretation consistent with the supporting specification and the state of the prior art. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed.Cir. 1997) (emphasis added). Applicants respectfully submit that the Examiner has not interpreted the claim language, particularly the term “porous” consistent with the supporting specification and the state of the prior art, and thus Applicants respectfully request that the Examiner reconsider the arguments below with this principle in mind.

The present invention is directed to a member for an electroluminescent device comprising a container which is made of a porous material and a non-porous material and a removing agent capable of removing a prescribed gaseous component.

In contrast, Cook discloses a multiple ply film structure with an antioxidant distributed between at least two intimately associated layers of the film of, e.g., polymers of α -olefins, and a layer of nylon or polyethylene bonded or otherwise laminated to one of the layers (col. 2, lines 7-26). Further, Farrell et al discloses a multiple layer structure comprising a polymer oxygen barrier layer, an oxygen scavenger-containing polymer layer and a polyolefin protective layer (see claim 9).

The Examiner appears to consider that the term “porous” is synonymous with the phrase “gas permeable.”

Applicants respectfully submit that the phrases “gas permeability” and “porous property” are understood by one of ordinary skill in the art to have different meanings.

Specifically, even a non-porous polyolefin film has some space among molecular chains, thereby allowing a gas molecule to permeate. Although the amount of gas permeated is very small, nonetheless, such non-porous polyolefin film has gas permeability. In this regard, Applicants previously submitted the English translation of relevant portions from Shin-ban Kobunshi Jiten (Dictionary of Polymer - New Edition).

As described in the English translation of relevant portions from Shin-ban Kobunshi Jiten, “a ‘porous’ membrane means a membrane having a certain pore size or a certain pore size distribution regardless of an organic polymer membrane or a ceramic. ... Generally, the membrane having pores of about 1 to 0.01 μm is called a porous membrane and the membrane having pores of about 0.01 to 0.003 μm is called a microporous membrane. ... The polymer which tends to form the porous membrane is called a porous polymer, and many of the polymer are glassy polymers.” As clearly described in Shin-ban Kobunshi Jiten, a porous membrane is understood by a person of ordinary skill in the art to inherently have pores of certain sizes. Applicants should not be required to specifically recite an inherent property in the claims.

Further, the present specification describes that the porous sheet in the presently claimed invention is produced by the specified methods, and has an average pore size of generally 100 μm or smaller, and preferably 0.05 to 50 μm . See page 6, lines 10-20 and page 7, lines 5-8.

Thus, although the polyolefin sheets described in Cook and Farrell et al are gas permeable, they do not meet the requirements of a porous polyolefin sheet within the scope of the present claims.

In addition, Biebuyck et al does not rectify the deficiencies of Cook and Farrell et al.

In view of the foregoing, Applicants respectfully submit that the present claims are not anticipated or rendered obvious by Cook or Farrell et al, alone or further in view of Biebuyck et al, and thus the rejections should be withdrawn.

II. New Claims 15-18

Applicants respectfully submit that newly added claims 15-18 are patentable over the cited references for the same reasons as set forth above and also because none of the cited references disclose or suggest the recited average pore size.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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